

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.10940 of 2006

DATED:01.06.2006

Between:

B. Veeraiah and others ..Petitioners

And

The Regional Joint Commissioner, Endowments, Guntur. And others

..Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.10940 of 2006

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ORDER:

The petitioners state that they are the tenants in respect of various extents of land situated at Perecherla Village, Medikonduru Mandal, Guntur District, belonging to Sri Laxminarsimha Swamy Temple, R.Agraharam, Guntur Mandal and District, the third respondent herein. Consequent upon the statutory termination of all leases over the agricultural land belonging to temples by operation of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, the petitioners claim to have filed an application before the Assistant Commissioner of Endowments, Guntur, the second respondent herein, to declare them as landless poor. Through orders, dated 16.05.2006, the second respondent dismissed the application of the petitioners. Thereupon, the petitioners filed an appeal before the first respondent. In the meanwhile, Devasthanam published a notice proposing to conduct auction of leasehold rights of the land. The petitioners challenge the proceedings, dated 16.05.2006, as well as the action of the three respondents in proposing to conduct the auction of leasehold rights of the land.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

As of now, the claim of the petitioners to declare them as landless poor was rejected. Therefore, they are not entitled for any benefit extended for such category of persons. In that view of the matter, no exception can be taken to the action of the third respondent in conducting auction of the leasehold rights of the land.

It is true that the appeal preferred by the petitioners before the first respondent is pending. In case, the appeal is allowed, the petitioners may claim the benefit that is provided under the relevant rules. The interests of the petitioners can be protected by permitting them to participate in the auction subject to certain conditions.

The Writ Petition is, therefore, disposed of directing that:

- a. It shall be open to the petitioners to participate in the auction subject to their not being in arrears of rent. In case the petitioners are prepared to pay the amount that is fetched as highest bid in the auction, fresh lease shall be granted in their favour, if the grant of leasehold rights has not yet been finalized.
- b. If the highest bidder is inclined to raise the amount offered by him, an auction limited to the participation of such highest bidder and the petitioners, shall be conducted and the grant of lease would obtain upon the out come of the auction.
- c. The grant of lease, if any, in favour of the petitioners shall be subject to the out come of the orders that may be passed by the first respondent.

There shall be no order as to costs.

L. NARASIMHA REDDY, J

1st June 2006

GJ/VS